

# Student Conduct and Discipline Policy and Procedures

## 1 Introduction

- 1.1 The Code of Conduct is built on the principle that all students are expected to maintain a standard of conduct which supports our commitment to excellence in education and scholarship and promotes good order and the good name and reputation of the University or Kaplan Open Learning (KOL)

Of crucial importance to the continuing success of students studying an online programme with the University of Liverpool is that each student interacts harmoniously with other students as well as with members of staff (both academic and administrative) and that students in their dealings with us act in a professional and honest manner and do not engage in any activity that would bring the University of Liverpool or Kaplan Open Learning into disrepute.

This procedure should be read in conjunction with the [University of Liverpool Policy on Student Conduct and Discipline](#).

- 1.2 Where a student's conduct is cause for concern, advice on how to proceed should, in the first instance, be sought from the KOL Quality and Enhancement team. The Quality and Enhancement team will determine if the complaint is within the jurisdiction of the University of Liverpool. If it is determined that the complaint is within the jurisdiction of the University of Liverpool it will be escalated directly to the appropriate Director of Studies to be considered under the [University of Liverpool Policy on Student Conduct and Discipline](#)

## 2 General Principles

### 2.1 Standard of Proof

Our Student Code of Conduct procedures are not a criminal process and therefore allegations of breaches of the Conduct Regulations need not be proved 'beyond reasonable doubt'. The standard of proof applied is the 'balance of probabilities', which means that, when assessing the evidence objectively, the view is that it is more likely than not that the allegation is true.

### 2.2 Zero Tolerance to Sexual Misconduct, Harassment and Hate Crime

We do not tolerate any acts of sexual misconduct, harassment, or hate crime. Zero tolerance means that

- we will take action and;
- the action will be proportionate to the circumstances of the case.

Allegations of sexual misconduct by students reported to us including posting of inappropriate sexual or violent content on the learning platform are investigated and addressed following the procedures set forth in this document.

## 2.3 Mental Health, Illness and Disability

Where there is concern that mental health, illness or disability may have impacted negatively on the student's behaviour and/or conduct, the proceedings may be adjourned at any stage for the matter to be considered under any other procedure as appropriate.

## 2.4 Advice, Support, Representation and Guidance

All students have the right to be accompanied at any meetings during the procedures described in the this document. Students are not entitled to be legally represented at the meeting(s) but the person accompanying them may be a representative of a Trade Union or other professional organisation. Students are not permitted to record the meeting(s); notes of the meeting will be taken and students will be given the opportunity to approve or amend the notes.

## 2.5 Conferral of Degrees

Except with the special permission of the University of Liverpool, no degree of the University of Liverpool will be conferred upon, or certificate or diploma granted to a person who is subject to on-going action in accordance with these procedures, including the hearing of any appeal under the procedures or outstanding criminal investigations or proceedings.

## 2.6 Confidentiality

Throughout the operation of these procedures, we will seek to ensure that confidentiality is maintained. This approach will not prevent us from disclosing information where necessary for the discharge of duties or as required by law, nor will it prevent us, where appropriate, from disclosing information about any outcome under this procedure.

Records relating to conduct offences will be held by the Quality and Enhancement Team on a central database and will not normally be included in the student's centrally held academic file.

Records of conduct cases are destroyed by the Quality and Enhancement Team six academic years after the student has left the programme.

# 3 Roles and Responsibilities

## 3.1 Student Conduct Officer

The Student Conduct officer is a permanent member of the Student Services Team. They are responsible for investigating alleged breaches of the student conduct procedure and have the power to impose a range of penalties for minor offences. More serious cases are referred by the Conduct Officer to the Academic Director for consideration by a Student Conduct Committee and the Conduct Officer is required to attend to present the case against the student.

## 3.2 Student Conduct Committee

The Student Conduct Committee is comprised of the Academic Director as Chair and a minimum of one member of the permanent academic team who has not had any previous involvement in the case and a member to the Senior Management Team (other than the Academic Director). The Quality and Enhancement Team will provide secretarial support for the committee.

The following behaviour(s) shall be treated as a breach of the Student Conduct Regulations which may result in disciplinary action being taken:

- i. Infringing or attempting to infringe a Regulation of the University of Liverpool
- ii. Discrimination/and or prejudicial behaviour, in whatever form, on the grounds of age, race, gender identity, sexual orientation, religion or belief, disability, and/or any other status, background or personal circumstance.
- iii. Exhibiting threatening, intimidating, indecent or violent behaviour or language (whether expressed orally, in writing or electronically, including on the learning platform, blogs, social networking websites or other electronic means).
- iv. Conduct amounting to harassment. Harassment is defined as any behaviour that appears or feels offensive, intimidating or hostile, which interferes with individuals' academic, working or social environment; or which induces stress, anxiety, fear or sickness on the part of the harassed person. The defining features are that the behaviour appears or feels offensive or intimidating to the recipient and would be so regarded by any reasonable person.
- v. Submitting a fraudulent claim of extenuating circumstances.
- vi. Fraud, deceit, or deception, dishonesty in relation to the University or its staff or students.
- vii. Misrepresentation or falsification of pre-entry qualifications, previous study, work experience, or personal statement which emerges post-enrolment to an online programme of study.
- viii. Attempting or inciting others to commit any breach of discipline.
- ix. Any conduct which obstructs frustrates or disrupts other students or staff.
- x. Any other activity that would bring the University of Liverpool or Kaplan Open Learning into disrepute.
- xi. Failure to comply with a resolution or penalty previously imposed by the Academic Director or nominee, the Conduct Officer or a Student Conduct Committee.

Throughout their interactions with fellow students and staff, and their engagement with this procedure we expect all students to follow the rules of netiquette (the word netiquette is short for 'Internet etiquette').

Rules of netiquette have grown organically with the growth of the Internet to help users act responsibly when they access or transmit information online. Students are expected to be aware of the common rules of netiquette and to employ a style that complies with those rules. The following are seen as being part of those rules:

- a) Students should be considerate and must not engage in rude or threatening language, inflammatory assertions (often referred to as 'flaming'), personal attacks and other inappropriate communications will not be tolerated.
- b) Students should never post a message that is all in capital letters as this is deemed to constitute shouting. In similar vein, boldface and italics should be used sparingly as they can denote sarcasm.
- c) Messages should be kept short and to the point.
- d) Students should always practice good grammar, punctuation and composition.

- e) Students at all times when communicating online should be respectful and treat everyone as they would want to be treated themselves.

All students are required to agree with University of Liverpool and Kaplan Open Learning Terms and Conditions.

## 4 Procedures for handling alleged breaches of the Student Code of Conduct

Alleged breaches of the Student Code of Conduct are initially investigated by the KOL Conduct Officer<sup>1</sup> or nominee.

The Conduct Officer will:

- i. notify the student concerned, in writing, of the allegation(s) and draw his/her attention to the Procedure for handling alleged breaches of the Student Code of Conduct.
- ii. The Conduct Officer will discuss the allegation(s) with the subject of the complaint, the person making the complaint and any other persons involved.
- iii. determine whether the breach is a minor or major offence.
- iv. deal with minor breaches where the student admits to the alleged breach of the code of conduct.
- v. Pending the outcome of an investigation, when in the opinion of the Conduct Officer it is necessary for the protection of any person, the reputation of the University of Liverpool or Kaplan Open Learning or the student themselves, the Conduct Officer may impose on any student a requirement that the student has no contact or restricted contact, with a specified person or persons. Failing to comply with such a requirement, without good reason, shall amount to a breach of Student Code of Conduct regulation.
- vi. Refer more serious offences, second breaches and always where a student denies the allegation to the Academic Director.
- vii. prepare and present cases to the Student Code of Conduct Committee hearings
- viii. report resolutions of alleged breaches to the Academic Director.

### 4.1 Minor Offences

The Conduct Officer may deal with minor breaches where the student admits committing the offence and may make one of more the following resolutions:

- a) That the allegation should be dismissed, and no further action taken.
- b) To issue a formal written warning to the student.
- c) Require the student to make an apology to the parties affected by the breach of regulations.
- d) To require the student to have restricted or no contact with a specified person or persons.

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<sup>1</sup> The Conduct Officer will be the Head of Student Experience and Welfare or their nominee.

- e) Any other proportional action specified by the Conduct Officer as they think appropriate.

The Penalty or penalties imposed will be determined by reference to the facts of the case, precedent in similar previous cases, any aggravating and mitigating factors, and the student's conduct history. Penalties will not last beyond the student's current programme of study. The imposition of a penalty, or part thereof, may be suspended on any reasonable terms decided by the Conduct Officer.

Students will be formally notified in writing of the outcome of the Conduct Officer's investigations and subsequent decision and advised of the procedure for submitting an appeal to the Academic Director.

Where the Conduct Officer decides that there is insufficient evidence to warrant further investigation or consideration of the case, they shall inform the complainant that no further action will be taken on it. In writing to the complainant, the Conduct Officer shall provide a brief outline of the reasons for their decision but shall not provide a copy of the evidence base to the complainant.

## 4.2 Appeal against the decision of a Conduct Officer

An appeal against a decision of the Conduct Officer should be submitted to [appealsandcomplaints@study-online.liverpool.ac.uk](mailto:appealsandcomplaints@study-online.liverpool.ac.uk) within 10 working days of the Conduct Officer's decision. Applicants should ensure that they explain their concerns clearly and give an indication of the outcome that they are seeking. The Quality and Enhancement team will acknowledge the appeal within 5 working days and forward to the Academic Director for consideration.

The Academic Director will respond to the complaint within 21 working days from the initial receipt of the appeal. The Conduct Officer will provide a summary of the case and rationale for the decision taken to the Academic Director. The Academic Director will consider whether the investigation by the Conduct Officer was compliant with this procedure and whether the outcome was fair and reasonable given the evidence available.

The decision of the Academic Director will be final. Students will be notified formally in writing of the Academic Director's decision.

All outcomes will be stored centrally by the Quality and Enhancement team.

## 4.3 More serious offences, second breaches and always where the student denies the allegation.

If the Conduct Officer determines that the case is of a more serious nature or where there has previously been a series of minor offences, or where the student denies the allegation, the case will be referred to the Academic Director.

Upon receiving a referral from the Student Conduct Officer the Academic Director may convene a Student Conduct Committee. If, on receipt of a referral from the Student Conduct Officer, the Academic Director determines that the misconduct may be sufficiently serious to warrant withdrawal from a programme of study, they will consult with the following colleagues from the University of Liverpool to review the referral in order to determine if the case is strong enough to refer to a University of Liverpool Board of Studies:

- Online Programmes Academic Manager
- Academic Compliance Officer

Students will be formally notified in writing by the Quality and Enhancement team, of the referral, the allegation(s), explaining clearly, whether the matter is being considered under these Procedures for

Student Conduct and Discipline, or being referred to the University of Liverpool Policy on Student Conduct and Discipline.

If the case is not referred to the University of Liverpool Board of Studies, advice will be provided to the Student Conduct Officer about how the case should be considered.

#### 4.4 Temporary Suspension and Exclusions Pending a Conduct Hearing or Criminal Trial

The Academic Director or nominee may, pending a conduct hearing or a criminal trial, suspend or exclude a student who is the subject of a complaint of misconduct or against whom a criminal charge is pending or who is the subject of a police investigation.

Suspension or exclusion pending a hearing is not used as a penalty. The power to suspend or exclude under this provision is designed to protect a member or members of the University of Liverpool or Kaplan Open Learning community and will only be used where the Academic Director or nominee is of the opinion that it is in the best interests of either the student or any member of the online community. Written reasons for the decision will be recorded and notified to the student. 'Suspension' includes a total prohibition of access to the Learning Platform and on any University of Liverpool online programme learning activities, and a suspension of tuition fee payments.

An order of suspension or exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.

A student who has been temporarily suspended or temporarily excluded by the Academic Director may make representations in person or in writing to the Academic Director or nominee. Such representations must be made within five working days of the date of the letter notifying the student of the temporary suspension or exclusion or as soon as practicable thereafter, if there is good reason why the student was prevented from making his/her representations within the deadline.

A decision to temporarily suspend or exclude a student will be kept under review by the Conduct Officer who will report any significant changes in the circumstances of the case to the Academic Director. Should the holding of a disciplinary hearing or criminal trial be delayed for whatever reason, and where the suspension or exclusion has continued for at least four weeks, the student may request a review of the decision. A review will be conducted by two members of the Senior Management Team (excluding the Academic Director) and the student will be given the opportunity to submit written representations and to make representations in a virtual meeting. Should the suspension or exclusion continue after the review, it will remain under constant review by the Conduct Officer who will report any significant changes in the circumstances of the case to the Academic Director or nominee and, at the request of the student, be subject to further independent reviews at four-weekly intervals thereafter, until a disciplinary hearing or criminal trial is held.

#### 4.5 Convening a Student Conduct Committee

The Quality and Enhancement Team will inform each student in writing that their case has been referred to a Conduct Committee and the substance of the referral. Details of the practical arrangements for the hearing will be included. The student will be asked to respond via email within five working days of the date of the letter, indicating whether they admit to having committed the cited breach(es) and whether they have any objection to any of the members of the Committee. The grounds for any objection must be clearly stated and the Academic Director will rule whether the objection is valid.

If two or more students are involved in related misconduct, the Academic Director may determine that the cases are considered together by the same Committee.



## 4.6 Attendance at a Student Conduct Committee

Students are required to attend any meeting of a Student Conduct Committee convened by the Academic Director. Meetings will be held virtually due to the online nature of the provision. The Conduct Committee will proceed in the student's absence, should they fail to attend the hearing without good reason.

## 4.7 Evidence

Evidence will normally be presented orally but written evidence or electronic evidence may also be submitted for examination. The Chair has the power to determine whether any material appears irrelevant or appears unduly repetitive.

It is the responsibility of the student charged and the Conduct Officer to arrange for their respective witnesses to give oral evidence or to submit any written statements. A witness giving oral evidence may be questioned by the committee as per the order of proceedings. A witness not available to attend may submit evidence in writing, but written evidence may be given less weight than evidence presented in person. The unavailability of witnesses is not grounds for hearing to be delayed or reconvened. The Committee may choose to disregard evidence from witnesses who are not prepared to have their names revealed to the Committee.

## 4.8 Order of Proceedings

- Introduction of those present.
- The case against the student will be presented by the Conduct Officer.
- The student and their representative respond to the allegation(s). Thereafter the student and their representative will be present whenever oral evidence is being heard by the Committee.
- The Committee has the opportunity to question both the Conduct Officer and the student.
- Either party may call witnesses who shall attend only to present their evidence and to answer any questions that the Committee or the other party may put to them through the Chair. Once the evidence has been heard and there are no more questions, witnesses are required to withdraw.
- The Conduct Officer sums up the allegation(s).
- The student provides a final summary.
- The Conduct Officer and the student withdraw whilst the Committee reach their decision.
- If the Committee finds the student has committed the breach of the Student Code of Conduct, the student is given the opportunity to put forward a case for mitigation of penalty.
- The Conduct Officer informs the Committee of any previous breaches of the Student Code of Conduct by the student.
- The Conduct Officer and the Student withdraw whilst the Committee consider and appropriate penalty.
- The decision of the Committee is then presented orally to the student.

- Where, having heard and carefully considered all of the evidence presented by the Conduct Officer and by the accused student(s), the Committee determines that the evidence does not support the charge or charges put forward by the Conduct Officer but does support a breach of some other conduct regulation, the Committee may find the student(s) has breached that other regulation and may impose a penalty for that breach notwithstanding that it was not included in the original list of charges in the Conduct Officer's case against the student.

## 4.9 Adjourning a Student Conduct Committee

The Committee may, where it is appropriate to do so, adjourn consideration of an allegation against a student or subsequent penalty in order to enable the student charged and/or their representative to be present. The Committee may adjourn a hearing in order to request that the Academic Director requires a witness to attend for cross-examination. The Committee may postpone its deliberations where a witness that the Committee considers to be a vital witness, fails to attend. The Committee may also adjourn where it is of the opinion that its proceedings are being impeded by any circumstances beyond its control.

The Committee will meet to consider an adjourned case, as soon as it is feasible and usually not later than three months after the adjournment, although the case does not need to be determined at the resumed meeting. Where it is not reasonably practicable for the same members to attend the Committee reconvened to hear an adjourned case, the Academic Director may co-opt up to three additional members to replace those unable to attend and, if necessary, may appoint from among those co-opted members a new Chair. Where two or more additional members are co-opted, the reconvened hearing will proceed as a new hearing. Where only one additional member is co-opted and the student charged requests it, the reconvened hearing will take the form of a new hearing.

## 4.10 Penalties

The Committee has the authority to decide whether an allegation denied by the student is proven or not proven.

In the event that the student admits an allegation or denies an allegation that the Committee finds proven, the Committee has the authority to impose a penalty which may include (but is not limited to) some or all of the following:

- 4.10.1 That the allegation should be dismissed and no further action taken.
- 4.10.2 To issue a formal written warning to the student.
- 4.10.3 To require the student to make an apology to the parties affected by the breach of regulations.
- 4.10.4 To require the student to have restricted or no contact with a specified person or persons.
- 4.10.5 Any other proportional action specified by the Academic Director as they think appropriate.

Where the Committee decides that the allegation should be dismissed and no further action taken, they shall inform the complainant that no further action will be taken on it. In writing to the complainant, the Chair of the Committee shall provide a brief outline of the reasons for the Committee's decision but shall not provide a copy of the evidence base to the complainant.



#### 4.11 Formal notification

Students will be formally notified in writing of the outcome of the committee's deliberations and decision and advised of the procedure for submitting an appeal.

## 5 Right of Appeal

Any appeal against a decision or penalty of the Conduct Committee will be considered under the University of Liverpool [Policy on Student Conduct and Discipline - Appendix C](#).

A student has the right of appeal against the decision of the Student Conduct Committee and/or a penalty imposed by the Student Conduct Committee, in accordance with the following provision:

- a) Where the student has admitted the charge they may only appeal against the penalty.
- b) Any appeal must be submitted to the Quality and Enhancement Team at [appealsandcomplaints@study-online.liverpool.ac.uk](mailto:appealsandcomplaints@study-online.liverpool.ac.uk) using the appropriate Appeal Form, within ten working days of the date of the letter containing official notification of the outcome of conduct proceedings.
- c) Complainants may only appeal against the penalty, and only in cases where they believe the Committee ignored their request to apply a specific penalty in order to ensure the complainant can safely carry out their day to day activities.
- d) Where a student or complainant exercises their right of appeal, any decision by the Conduct Committee, including penalties, will remain in force until the outcome of the appeal.

On receipt of an appeal against a decision or penalty of the Conduct Committee, the Quality and Enhancement team shall forward the appeal form and relevant information to Director of Student Experience and Enhancement at the University of Liverpool.

Responsible Manager	Title
Carol Dadd	Director of Quality and Student Services
Megan Hoffman	Quality Manager
Date of Approval	January 2021
Related Policies and Procedures	University of Liverpool <a href="#">Student Complaints Policy and Procedure</a>